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10 Attorneys for Plaintiff
11 Victor Renard Harrison
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VICTOR RENARD HARRISON,) Case No.: 1:20-cv-01558-EPG
14 Plaintiff,)
15 vs.) ORDER RE: STIPULATION AND
16 KILOLO KIJAKAZI,) PROPOSED ORDER FOR THE AWARD
17 Acting Commissioner of Social Security,) AND PAYMENT OF ATTORNEY FEES
18 Defendant.) AND EXPENSES PURSUANT TO THE
19) EQUAL ACCESS TO JUSTICE ACT, 28
) U.S.C. § 2412(d) AND COSTS PURSUANT
) TO 28 U.S.C. § 1920
) (ECF No.28).
20 _____)

21 TO THE HONORABLE ERICA P. GROSJEAN, MAGISTRATE JUDGE OF THE
22 DISTRICT COURT:

23 IT IS HEREBY STIPULATED, by and between the parties through their undersigned
24 counsel, subject to the approval of the Court, that Victor Renard Harrison be awarded attorney
25 fees and expenses in the amount of four thousand three hundred fifty dollars (\$4,350.00) under
the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. §
26

1 1920. This amount represents compensation for all legal services rendered on behalf of Harrison
2 by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

3 After the Court issues an order for EAJA fees to Victor Renard Harrison, the government
4 will consider the matter of Harrison's assignment of EAJA fees to Lawrence D. Rohlfing. The
5 retainer agreement containing the assignment is attached as exhibit 1. Pursuant to *Astrue v.*
6 *Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor the assignment will depend on whether
7 the fees are subject to any offset allowed under the United States Department of the Treasury's
8 Offset Program. After the order for EAJA fees is entered, the government will determine
whether they are subject to any offset.

9 Fees shall be made payable to Victor Renard Harrison, but if the Department of the
10 Treasury determines that Harrison does not owe a federal debt, then the government shall cause
the payment of fees, expenses and costs to be made directly to Law Offices of Lawrence D.
11 Rohlfing, Inc., CPC, pursuant to the assignment executed by Victor Renard Harrison.¹ Any
12 payments made shall be delivered to Lawrence D. Rohlfing.

13 This stipulation constitutes a compromise settlement of Victor Renard Harrison's request
14 for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant
15 under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release
from, and bar to, any and all claims that Victor Renard Harrison and/or Lawrence D. Rohlfing
16 including Law Offices of Lawrence D. Rohlfing, Inc., CPC may have relating to EAJA attorney
fees in connection with this action.

17 This award is without prejudice to the rights of Lawrence D. Rohlfing and/or the Law
18 Offices of Lawrence D. Rohlfing, Inc., CPC to seek Social Security Act attorney fees under 42
19 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

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26 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien under federal law against the recovery of EAJA fees that survives the Treasury Offset Program.

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2 DATE: September 20, 2022 Respectfully submitted,
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LAW OFFICES OF LAWRENCE D. ROHLFING, INC., CPC

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/s/ *Lawrence D. Rohlting*
BY: _____
Lawrence D. Rohlting
Attorney for plaintiff Victor Renard Harrison

DATED: September 20, 2022 PHILLIP A. TALBERT
United States Attorney
PETER K. THOMPSON
Acting Regional Chief Counsel, Region IX
Social Security Administration

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/s/ *Oscar Gonzalez*
OSCAR GONZALEZ
Special Assistant United States Attorney
Attorneys for Defendant
KILOLO KIJAKAZI, Acting Commissioner of Social
Security (Per e-mail authorization)

ORDER

Based upon the parties' stipulation (ECF No. 28), IT IS ORDERED that fees and expenses in the amount of \$4,350.00 as authorized by the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and no costs as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the stipulation. Given the parties' stipulation, the Clerk of Court is respectfully directed to terminate Plaintiff's motion for attorney fees (ECF No. 26).

IT IS SO ORDERED.

Dated: **September 22, 2022**

/s/ Eric P. Groij

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the county of Los Angeles, State of California. I am over
4 the age of 18 and not a party to the within action. My business address is 12631
5 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670.

6 On this day of September 22, 2022, I served the foregoing document
7 described as STIPULATION FOR THE AWARD AND PAYMENT OF
8 ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS
9 TO JUSTICE ACT, 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C.
10 § 1920 on the interested parties in this action by placing a true copy thereof
11 enclosed in a sealed envelope addressed as follows:

12 Mr. Victor Renard Harrison, Jr.
13 601 El Tejon Ave
13 Bakersfield, CA 93308

14 I caused such envelope with postage thereon fully prepaid to be placed in the
15 United States mail at Santa Fe Springs, California.

16 I declare under penalty of perjury under the laws of the State of California
17 that the above is true and correct.

18 I declare that I am employed in the office of a member of this court at whose
19 direction the service was made.

20 Lawrence D. Rohlfing
21 TYPE OR PRINT NAME

20 _____
21 */s/ Lawrence D. Rohlfing* _____
 SIGNATURE

**CERTIFICATE OF SERVICE
FOR CASE NUMBER 1:20-CV-01558-EPG**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for this court by using the CM/ECF system on September 21, 2022.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system, except the plaintiff served herewith by mail.

/s/ Lawrence D. Rohlfing

Lawrence D. Rohlfing
Attorneys for Plaintiff